



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA

This meeting is open to the public

January 12, 2012

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

1. **Call to Order** - Joe Collins, Chairman, Governing Board
 2. **Pledge of Allegiance** - Joe Collins, Chairman, Governing Board
 3. **Recognition of Big Cypress Basin Board Members** - Dan DeLisi, Chair, Big Cypress Basin Board
 4. **Employee Recognitions** - Presented by Melissa Meeker, Executive Director
 - Employee of the Month: Joseph (JK) Wells, Pilot, Administrative Services Division
 - Team of the Month: The S-65 Boat Lock Emergency Water Conveyance Team, St. Cloud Field Station, Operations, Maintenance & Construction Division
 - Good Samaritan Award: Chris Scharkopf, Science Technician 3, Bruce Weaver, Science Technician 2, Bill Karlavige, Science Technician 3, Water Quality Bureau, Water Resources Division
- See supporting document: [Jan Employee Recognitions.pdf](#)

5. Approval of Minutes

Approval of the Minutes for the December 14, 2011, Workshop and the December 15, 2011, Regular Business meetings held in West Palm Beach, Florida.

6. Agenda Addendum - Annette Carter, Director, Office of Governing Board & Executive Services

7. Abstentions by Board Members from items on the Agenda

8. Water Resources Advisory Commission (WRAC) Report - Kevin Powers, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.**

- 9. Public Comment on Consent Agenda
- 10. Pull Items for Discussion from Consent Agenda
- 11. Board Comment on Consent Agenda

Regulatory Matters

- 12. Denials
 - Consent Orders
 - Conservation Easement Amendments and Releases
 - Water Shortage Consent Orders
 - Seminole Tribe Work Plans
 - See supporting document: [ca_reg_rm_100_sd.pdf](#)
- 13. Right of Way Occupancy New Permits
 - Right of Way Occupancy Permits Requests with Waiver of District Criteria
 - See supporting document: [ca_om_rm_101_sd.pdf](#)
- 14. Waivers for Water Resources Advisory Commission (WRAC) Members pursuant to Section 112.313, Florida Statutes (F.S.)

Regulation

15. Authorize publication of a notice of proposed rule in the Florida Administrative Weekly to amend Rules 40E-3.021, 40E-3.036, 40E-3.038, 40E-3.101, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517, and 40E-3.521, Florida Administrative Code (F.A.C.), create new rules, Rule 40E-3.600, F.A.C., Scope of Part VI, and Rule 40E-3.601, F.A.C., General Permit for Water Wells within a Portion of Southern Miami-Dade County, in order to incorporate construction standards and forms adopted by the Florida Department of Environmental Protection, repeal Chapter 40E-30, F.A.C., as duplicative and unnecessary once the no-notice permit is consolidated with Chapter 40E-3, F.A.C., and request review by the Office of Fiscal Accountability and Regulatory Reform. (Maria Clemente, ext. 2308)
See supporting document: [ca_reg_104_sd.pdf](#)
See supporting document: [ca_wr_104_ruletext.pdf](#)
16. **2012-100** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Interagency Agreement between the South Florida Water Management District and the St. Johns River Water Management District for designation of regulatory responsibility for permitting under Part IV of Chapter 373, Florida Statutes, for the US-1 Road reconstruction in St. Lucie County; providing an effective date. (Anthony Waterhouse, ext 6867)
See supporting document: [ca_reg_105.sd.pdf](#)
See supporting document: [ca_reg_105_sd2.pdf](#)
See resolution document: [ca_reg_105_rd.pdf](#)
See supporting document: [ca_reg_105_Exhibit B.pdf](#)
See supporting document: [ca_reg_105_Exhibit A.pdf](#)

Executive Office

17. **2012-101** A Resolution of the Governing Board of the South Florida Water Management District to authorize filing appropriate legal proceedings to recover possession of certain structures located on District lands, in connection with the Kissimmee River Restoration and Headwaters Revitalization Project in Osceola County, for which ad valorem (Capital Projects Okeechobee) funds are budgeted; providing an effective date. (Abe Cooper, ext. 6315)
See supporting document: [oc_ca_001_sd.pdf](#)
See resolution document: [oc_ca_001_rd.pdf](#)
See supporting document: [oc_ca_001_Exhibit A.pdf](#)
18. **2012-102** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one (1) year cooperative agreement with the City of Everglades City in FY2012 for the construction of improvements in the water supply system in the total amount of \$2,950,000, of which the District's contribution will be in an amount not to exceed \$273,780, for which dedicated funds (Big Cypress Basin) are budgeted; providing an effective date. (Deena Reppen, ext. 6232)
See supporting document: [ca_eo_001_sd.pdf](#)
See resolution document: [ca_eo_001_rd.pdf](#)

Administrative Services

19. **2012-103** A Resolution of the Governing Board of the South Florida Water Management District authorizing the recording of the Disposition of Fixed Assets, during FY2011; providing an effective date. (Larry Carter, ext. 6170)

See supporting document: [ca_as_001_sd\(2\).pdf](#)

See resolution document: [ca_as_001_rd_3.pdf](#)

20. **2012-104** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2011-2012 budget as shown on the attachment hereto; providing an effective date. (Mike Smykowski, ext. 6295)

See supporting document: [ca_as_002_sd.pdf](#)

See supporting document: [ca_as_002_sd1.pdf](#)

See resolution document: [ca_as_002_rd.pdf](#)

Operations, Maintenance & Construction

21. **2012-105** A Resolution of the Governing Board of the South Florida Water Management District approving release of District canal reservations and release of Trustees of the Internal Improvement Trust Fund canal reservations; providing an effective date. (Kathy Massey, ext. 6835)

See supporting document: [ca_om_100_sd.pdf](#)

See resolution document: [ca_om_100_rd.pdf](#)

22. **2012-106** A Resolution of the Governing Board of the South Florida Water Management District approving the conveyance to Palm Beach County of a utility easement that provides service to the District's Emergency Operations Center; providing an effective date. (Kathy Massey, ext. 6835)

See supporting document: [ca_om_103_sd.pdf](#)

See resolution document: [ca_om_103_rd.pdf](#)

See supporting document: [ca_om_103_EOC Sketch_Legal_ExhA.pdf](#)

23. **2012-107** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Third Amendment to a Cooperative Agreement (C-11759) between the South Florida Water Management District and Collier County for the purpose of extending the termination date of the agreement from September 30, 2012 to September 30, 2024, and modifying and amending the agreement as set forth in the amendment; providing an effective date. Clarence Tears, ext. 7601)

See supporting document: [ca_om_103_sd.pdf](#)

See supporting document: [ca_om_103_sd1.pdf](#)

See resolution document: [ca_om_rd_18917_BFLD.pdf](#)

24. **2012-108** A Resolution of the Governing Board of the South Florida Water Management District to un-adopt as Works of the District the C-1 Connector Canal Right-of-Way, portions of the Golden Gate Main Canal Right-of-Way, and portions of the Miller Canal Right-of-Way, all located within the Big Cypress Basin in Collier County, Florida; providing an effective date. (Jorge Patino, ext. 6175)

See supporting document: [ca_om_104_sd.pdf](#)

See supporting document: [ca_om_104_sd1.pdf](#)

See supporting document: [ca_om_104_sd2.pdf](#)

See supporting document: [ca_om_104_sd3.pdf](#)

See resolution document: [ca_om_104_rd.pdf](#)

- 25. 2012-109** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.50 acres, more or less, for the Picayune Strand Restoration Project ("Picayune Strand Project"), in Collier County, in the amount of \$5,250.00 and all associated costs, for which ad valorem funds, Capital Projects Big Cypress Fund are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bruce Hall, ext. 6541)

See supporting document: [ca_om_102_sd.pdf](#)

See resolution document: [ca_om_102_rd.pdf](#)

See supporting document: [ca_om_102_ExhA_Legal.pdf](#)

See supporting document: [ca_om_102_ExhAA_map.pdf](#)

- 26. 2012-110** A Resolution of the Governing Board of the South Florida Water Management District to approve granting a utility easement to Florida Power & Light Company, containing 0.13 acres, more or less, in Palm Beach County, for an Environmental Services Laboratory; providing an effective date. (Bob Schaeffer, ext. 2985)

See supporting document: [ca_om_104_sd.pdf](#)

See resolution document: [ca_om_104_rd.pdf](#)

See supporting document: [ca_om_104_ExhAA_map.pdf](#)

See supporting document: [ca_om_104_ExhA_Legal.pdf](#)

- 27. Board Vote on Consent Agenda**

- 28. General Public Comment**

Discussion Agenda

29. TECHNICAL REPORTS

State of Water Resources

A) Water Conditions Report - Tommy Strowd, Director, Operations, Maintenance & Construction Division (ext. 6998)

B) Ecological Conditions Report - Terrie Bates, Director, Water Resources Division (ext. 6952)

Everglades Policy & Coordination

30. Central Everglades Planning Project Update - Tom Teets, Chief, Federal Policy & Coordination, Office of Everglades Policy & Coordination (ext. 6993)

31. 2012-111 A Resolution of the Governing Board of the South Florida Water Management District accepting the Caloosahatchee and St. Lucie River Watershed Protection Plan Updates and directing staff to submit it to the Florida Legislature; providing an effective date. (Temperince Morgan, ext. 6987)

See supporting document: [da_epc_100_sd.pdf](#)

See resolution document: [da_epc_100_rd.pdf](#)

32. General Public Comment

Staff Reports

- 33. Monthly Financial Statement** - Doug Bergstrom, Director, Administrative Services Division
See supporting document: [Statement of Sources and Uses of Funds_Nov FY12.pdf](#)
See supporting document: [Summary Statement of Sources and Uses of Funds Nov FY12.pdf](#)
See supporting document: [Monthly Financial Statements Memo-Final 11-31-11.pdf](#)
- 34. General Counsel's Report** - Carolyn Ansay
- 35. Executive Director's Report** - Melissa Meeker
Report on Permits Issued by Authority Delegated to the Executive Director from December 1-31, 2011
See supporting document: [IP Issued by ED Dec 2011.pdf](#)
- 36. Board Comment**

Attorney Client Sessions

Executive Office

37. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2010) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members S. Batchelor, J. Collins, D. DeLisi, J. Moran, D. O'Keefe, J. Portuondo, K. Powers, T. Sargent, G. Waldman; Executive Director M. Meeker; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin, and outside counsel D. Moore. (Carolyn S. Ansay, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2010) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Carolyn S. Ansay, ext. 6976)

38. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2010) to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation et al v. United States Environmental Protection Agency et al, U.S. District Court, Northern District of Florida Case No. 08-cv-00324-RH/WCS.

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Adjournment

39. Adjourn